



CLOSED CASE SUMMARY

ISSUED DATE: APRIL 20, 2020

CASE NUMBER: 2020OPA-0195

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 - Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy	Not Sustained (Unfounded)

This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.

EXECUTIVE SUMMARY:

The Complainant alleged that an unknown SPD employee may have violated law and policy by providing protected information to the King County Sheriff's Office.

ADMINISTRATIVE NOTE:

This case was designated as an Expedited Investigation. This means that OPA, with the review and approval of the Office of Inspector General for Public Safety, believed that it could reach and issue recommended findings based solely on its intake investigation and without interviewing the Named Employees. As such, the Named Employees were not interviewed as part of this case.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

5.001 - Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy

In a prior OPA investigation (2018OPA-0142), the Complainant alleged that the former King County Sheriff had inappropriately obtained documents concerning her from SPD. The documents in question were SPD reports. After conducting its investigation, OPA determined that the documents were released pursuant to a public disclosure request. There was no evidence that any documents were inappropriately provided to the former Sheriff or that there were any untoward communications between the former Sheriff and SPD.

Subsequently, the Complainant filed this complaint which concerns the alleged inappropriate provision of Department of Licensing (DOL) documentation and other information regarding the Complainant's vehicle by SPD to the King County Sheriff's Office (KCSO). She stated that this information was ultimately included in a threat assessment about her that was generated by the KCSO for the former Sheriff. She stated that this threat assessment affected her negatively in a number of respects. She pointed to a KCSO Internal Affairs investigation into this issue and, specifically, the interview of a KCSO detective. During the course of that interview, the detective stated that he requested information from SPD concerning the Complainant. Specifically, he stated that this information was from the Automatic License Plate Reader (ALPR) system utilized by SPD. The detective did not recall who at SPD provided



him with this information. The detective indicated that he gave the information he received from SPD to the former Sheriff.

As part of its investigation, OPA spoke with two sergeants assigned to SPD's Intelligence Unit. The sergeants stated that the Intelligence Unit would provide APLR information to other law enforcement agencies if requested. The sergeants noted that, if the information was related to a legitimate law enforcement purpose – such as a threat assessment conducted by another agency – it would be freely provided. Such requests and the responses thereto would not be formally documented.

SPD Policy 5.001-POL-2 requires that employees adhere to laws, City policy, and Department policy. If SPD employees improperly provided protected information to the KSCO, it would constitute a violation of SPD policies and potentially the law.

OPA's investigation established that the provision of APLR information to the KSCO was not improper. Notably, SPD Policy 12.050-POL-7 states that: "employees shall not discuss or provide information to any person who is not a member of the criminal justice system without the permission of the Chief of Police, or by due process of law." Where the party requesting the documents is a member of the criminal justice system, information may be provided without requiring a subpoena or public records request so long as it is related to a legitimate law enforcement purpose.

The KSCO detective relayed that he requested APLR information from SPD and that this information was related to a legitimate law enforcement purpose – conducting the threat assessment. As such, SPD was permitted to provide this information to the KSCO and doing so did not violate any policies or laws. This is the case even if, as the Complainant alleges, the information was later misused by the KSCO and former Sheriff.

For these reasons, and solely with regard to the conduct of SPD and its employees, OPA recommends that this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained (Unfounded)**